IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8499 of 1992

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

EX ENGINEER

Versus

NANUBHAI LAXAMNBHAI RABARI

Appearance:

MR M.A. BUKHARI, ASSTT. GOVERNMENT PLEADER for Petitioner

MR DT SONI for Respondent No. 1 - Absent

CORAM : MR.JUSTICE R.K.ABICHANDANI

Date of decision: 01/12/2000

ORAL JUDGEMENT

The petitioner challenges the award of the Labour Court dated 8.7.1992 made in Recovery Application No. 1524/89 under Section 33C(2) of the Industrial Disputes Act, awarding a sum of Rs. 31,440/- towards the over-time work which was said to have been taken from the

respondent workman.

2. On the basis of the material on record, the Labour Court came to a finding that the employer used to make the workman work over-time as a watchman and that there was exploitation of the workman done by exacting work more than the prescribed hours. It was held that the workman was entitled to be compensated for such extra work, in accordance with the provisions of Section 14 of the Minimum Wages Act.

3. The finding that the workman was made to work over-time by two hours is a finding of fact which cannot be interfered with by the High Court, since it was based on the evidence led before the Labour Court. There is no error committed by the Tribunal in exercise of its jurisdiction in awarding the said amount. There is absolutely no warrant for interference with the impugned award. The petition is therefore rejected. Rule is discharged with no order as to costs.

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